IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5964 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 5965 OF 2004
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CRIMINAL APPLICATION NO. 5966 OF 2004

Purshotam Radheshyam Khandelwal
and another ...Applicants

Versus

The State of Maharashtra & Anr ...Respondents

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Ms Ashar Pallavi i/b Mr. A.M. Sarogi, Advocate for Applicants

Mr. M.S. Mhambray, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 9TH JUNE, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P.for the State.

2. The applicants are seeking quashing of case Nos. 395/S/2004, 692/S/2003 and 978/S/2003 pending before the learned Metropolitan Magistrate, Mazgaon Court, Mumbai. In the alternative, the applicants are seeking transfer of the said cases to the designated Court which is at the Sessions Court at Mumbai. It is stated by the learned advocate for the applicants that if the cases are transferred, he does not wish

to press the application for quashing of the proceedings at present.

3. In my view, as the transfer sought for is to a Court within the same Sessions Division, it would be appropriate that the applicants prefer necessary transfer application before the concerned Sessions Court at Mumbai. Hence, liberty is granted to the applicants to prefer necessary application for transfer of cases before the concerned Sessions Court at Mumbai. In order to enable the applicants to prefer necessary transfer application, the proceedings pending before the trial Court in the three cases mentioned above, are stayed for a period of three weeks from today.

4. Applications are disposed of in terms of the above directions.

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